

**HUON VALLEY COUNCIL**

Action  
Officer: .....

**HUON VALLEY COUNCIL**

**26 APR 2022**

**CUSTOMER SERVICE**

**27 APR 2022**

Mr Jason Browne,  
General Manager,  
Huon Valley Council  
Huonville Tas 7109

File No: .....

Set ID: .....

Dear Mr Browne,

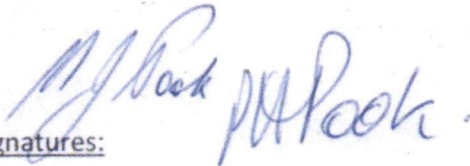
Please find attached our representation to the Draft Huon Valley Local Provisions Schedule, duly signed and dated.

We are grateful to have this opportunity and thank Council for considering our submission.

Our contact details are provided below and we will be pleased to provide additional information should it be required.

Yours faithfully,

Signatures:



Date: 26 April 2022

Full Names:

Mrs. Patricia Ann Pook

Dr Michael John Pook

Address:

25 Helen Street,

Ranelagh Tas 7109

Tel. 62664294

Mob: 0408146152

Email: [mike.pook@bigpond.com](mailto:mike.pook@bigpond.com)

## Draft Huon Valley Local Provisions Schedule Representation by Patricia Ann and Michael John Pook

Attention: Jason Browne, General Manager, Huon Valley Council

26 April 2022

We, Michael John and Patricia Ann Pook, the owners of 5 titles adjoining Bakers Creek Road, Lucaston: PID 9267055; Title References: 119725/2, 12206/6, 12206/7, 147069/1, 52828/2; Land Area 27.318 ha; respectfully request an extension of the Lucaston Rural Living Zone along Bakers Creek Road where appropriate. In particular, we request our Land Titles **12206/7** and **119725/2** to be zoned **Rural Living B** and Land Titles **12206/6**, **52828/2** and **147069/1** to be zoned **Rural Living C**, rather than Agriculture. The following arguments are provided in support of this representation:

### EXECUTIVE SUMMARY

#### 1. Natural Justice:

- We purchased our land titles over the period from 1978 to 2015, when the land was zoned 'Part Rural and Semi Rural Residential' under the Huon Planning Scheme 1979.
- We were not informed of or consulted about the Huon Valley Interim Planning Scheme (IPS) 2015 or of any zone change.
- We did not have the opportunity to dispute the IPS change of zoning.
- The 'Agriculture' zone does not reflect the existing 'rural living' settlement pattern that has evolved along Bakers Creek Road during the 44 years that we have owned property in Lucaston.
- An Agriculture zoning would reduce the value of our property due to usage restrictions.

#### 2. Compliance with Tasmanian Planning Scheme, State Planning Provision:

- An Agriculture zoning does not comply with the purpose "to protect land for the use or development of agricultural use by minimising conflict with or interference from non-agricultural uses" as it will: change the existing settlement pattern; impact on our amenity; cause land use conflicts; create competition for finite water resources; intensify road degradation; and
- The area has been shown to have minimal agricultural viability and is not adjacent to significant tracts of agricultural land. In fact, **Bakers Creek Road has more than 40 residential premises (including hobby farms) and 3 small agricultural businesses on the sealed section and approximately one kilometre of the unsealed section.**
- **The Land capability of our land has been assessed as 5 and 6.**
- Rural Living zoning on our land and that of our neighbours would avoid conflict and interference as it allows for a continuation of the pre-existing settlement (**see Appendix 1 Letters of Support**)
- Rural Living zoning would comply with zone purpose "to provide for compatible agricultural use and development that does not adversely impact on residential amenity."

#### 3. Section 8a Guideline No. 1 LPS:

- "The Rural Living Zone should be applied to residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity."
- **This is consistent with the pre-existing hobby farming settlement along Bakers Creek Road.**

#### 4. Southern Tasmania Regional Land Use Strategy 2010/35:

- "Planning for rural living opportunities to minimise detrimental impacts" and to "Support the consolidation of existing settlements ... Land not currently zoned for such use may only be zoned for such use where one or more of the following applies: a. Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided: (i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and (ii) only limited subdivision potential is created by rezoning."
- **A Rural Living zoning of B or C for our land would minimise detrimental impacts as discussed; support the consolidation of the existing hobby farm settlements extending from the Lucaston Rural Living Zone starting at Lucaston Road and create minimal if any subdivision potential.**

## HVC Draft LPS

### MJ and PA Pook Representation for Rural Living Zone B or C rather than Agriculture

5 titles at Bakers Creek Road, Lucaston, PID 9267055

Land Titles 12206/7 and 119725/2 requested to be zoned Rural Living B and Land  
Titles 12206/6, 52828/2 and 147069/1 requested to be zoned Rural Living C

#### 1. Natural Justice

The Principle of Natural Justice refers to the right to be made aware of, and respond to, information which will be used in the course of a decision that will negatively affect a person or persons (<https://www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles/use-and-disclosure/natural-justice,-disclosure,-and-privacy>). The affected party should also be provided with the opportunity to appeal the decision that has been made.

Our five titles were purchased over the period between 1978 and 2015 when the land was zoned **Part Rural and Semi Rural Residential** under the **Huon Planning Scheme 1979**. The titles and their respective areas are shown in Figure 1. Under that scheme's zoning of our land, a residence is an 'approved use' (see Attachment 1; excerpt from Solicitor's Letter to MJ and PA Pook dated 16 March 1995). According to Section 3.5.6 of the Huon Planning Scheme 1979, **the Semi Rural Residential zone was intended for 'Low density development in marginal agricultural areas, located in selected localities on the perimeter of the valley floors of the Huon and Mountain Rivers'**.

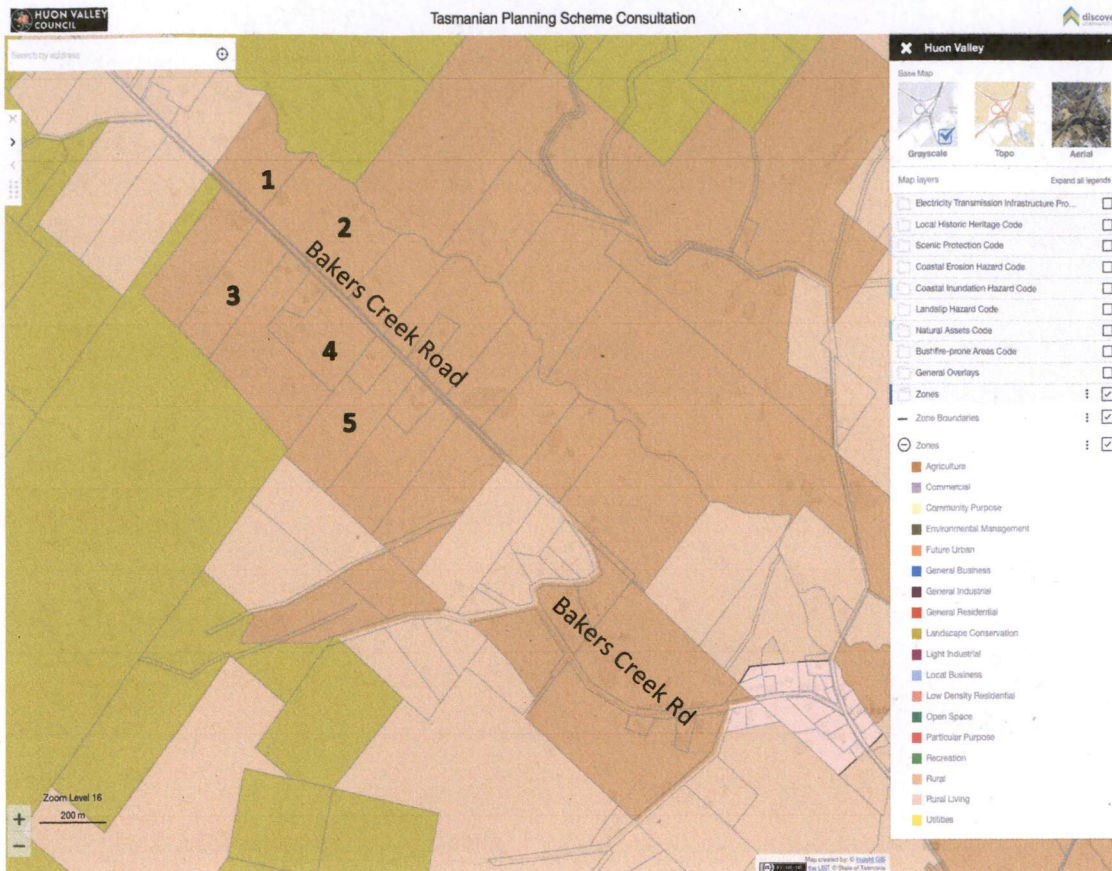
In 1990, we sold a parcel of land adjoining our property (119725/2) to Catherine and Mark Temby who subsequently built a residence. Close examination of Figure 1 shows that **all the blocks of land on Bakers Creek Road that adjoin our five titles have residences on them. Furthermore, the most recent Notice of Valuation for our vacant titles (dated 10/09/2020) classifies our property as 'Residential'** (See Attachment 2). **However, under the proposed Agricultural Zone in the LPS, building a residence is not a 'Permitted Use'**.

We were not informed of the implementation of the Huon Valley Interim Planning Scheme (IPS) which became effective on 31 August 2015 or that our zone was to be changed to 'Significant Agriculture'. Consequently, we did not have the opportunity to dispute the change of zoning and continued to believe that the classification of 'residential' on the Notice of Valuation in Attachment 2 confirmed that the status quo applied.



Figure 1: Aerial photograph of land titles belonging to MJ and PA Pook with frontages on Bakers Creek Road (boundaries shown in blue) and their lot sizes in hectares.

We contend that the proposed Agriculture zone in the LPS (see Figure 2) is not appropriate for our property, and it does not reflect the historical 'Semi-Rural Residential' settlement pattern which has evolved along Bakers Creek Road during the more than 40 years that we have resided in Lucaston.



**Figure 2. Map of the proposed zones along Bakers Creek Road under the LPS. The colour ‘brown’ represents the ‘Agriculture’ zone and the titles are shown by the numerals, 1 – 5.**

Currently, there are over 40 houses on small blocks and “hobby farms” and only 3 agricultural business operations on Bakers Creek Road, Lucaston.

It is our contention that a zoning of Agriculture along Bakers Creek Road will change the existing settlement pattern, impact on our amenity, potentially cause land use conflicts, create competition for finite water resources, intensify road degradation and significantly diminish property values on vacant parcels of land, such as ours.

In the process of the rezoning of our land we believe that we have been denied the provision of natural justice in the following ways:

- **lack of consultation with ourselves and other landholders before the major change of zoning detrimental to the value of our property was made**
- **the arbitrary imposition of strict time constraints on preparing a detailed representation to challenge the new zoning of our property**
- **the financial cost of having to seek professional planning advice in order to protect the significant value of our investment which has been established over the past forty years.**

## **2. Tasmanian Planning Scheme, State Planning Provision**

“The purpose of the ‘Agriculture Zone’ is:

21.1.1: To provide for the use or development of land for agricultural use. 21.1.2: To protect land for the use or development of agricultural use by minimising:

(a) conflict with or interference from non-agricultural uses;”

- **If our land and that of our neighbours is zoned Agriculture, it will not minimise conflict with or interference from non-agricultural users. As outlined earlier, it has the potential to increase conflict.**

The **State Planning Provision** also states:

“The purpose of the ‘Rural Living Zone’ is: To provide for residential use or development in a rural setting where: (a) services are limited; or (b) existing natural and landscape values are to be retained. To provide for compatible agricultural use and development that does not adversely impact on residential amenity. To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.”

- **Application of a Rural Living Zone for our property and that of our neighbours would avoid conflict and interference as it allows for a continuation of the pre-existing settlement pattern of compatible agricultural use and development that does not adversely impact on amenity.**

## **3. Section 8 A Guideline No.1 LPS**

**Page 6:** “RLZ 1. The Rural Living Zone should be applied to: (a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity.”

- **There are many properties at the start of Bakers Creek Road which we contend are correctly assigned as Rural Living and we further contend that this zone should continue along the road as per the pre-existing settlement pattern of formerly ‘Semi Rural Residential’, hobby farms.**

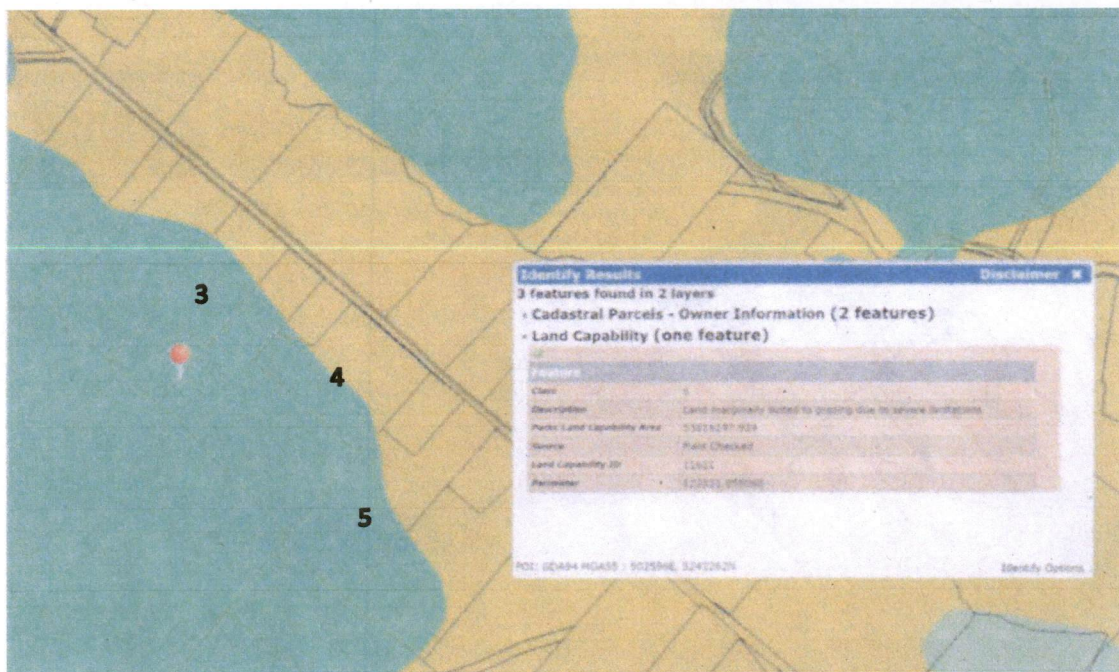
## **4. Statement on State Policy – Land not suitable for development of sustainable agriculture**

We acknowledge and support Principle 1 of the State Policy on the Protection of Agricultural Land 2009 which states that “the sustainable development of agriculture should not be confined or restrained by non-agricultural use or development”.

However, the Agricultural Land Mapping Project Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone Background Report, May 2012 states “While land capability classification data has historically been used for mapping potential agricultural land in Tasmania, it has many limitations. There is only partial coverage of the State and large portioned modelling has been used with limited ground-truthing.”

Our experience in over 40 years of managing a small sheep and cattle grazing enterprise on our total landholding has shown that there is low potential for sustainable development of agriculture on our individual land titles along Bakers Creek Road. As shown in the following maps of our properties the land capability is rated as 6 on a significant proportion of the three titles on the southern side of Bakers Creek Road. The three titles are shown by the numbers 3, 4 and 5 in Figure 3. This land capability feature is described as ‘marginally suited to grazing due to severe limitations’.

These ‘severe limitations’ accord with our lived experience of dealing with water availability, the steepness of slope, poor soil depth and quality of soil, bracken control and the difficulty of constructing infrastructure such as dams and feral animal fencing on sloping terrain. Additionally, there is a proportion of this steep land occupied predominantly by *Eucalyptus Obliqua* forest (see Figure 4). There is limited opportunity for irrigation due to geology, topography, proximity to the Landscape Conservation Zone and threatened species. Figure 5 indicates that there exists a small stand of ‘Silver Peppermints’ (*Eucalyptus Tenuiramis*) on the steep slope in the southeast corner of land parcel 3. Silver Peppermint is listed as a threatened species under the Nature Conservation Act.



**Figure 3:** Map showing a land capability of 6 on a significant proportion of the three titles on the southern side of Bakers Creek Road. The titles are labelled 3, 4 and 5.

On the other hand, the portion of land on the lowest contours is identified as having a Capability of 5 (i.e. “Land unsuited to cropping and with slight to moderate limitations to pastoral use”). The categorization into these two capabilities essentially means that only the lowest elevation of these parcels of blocks 3, 4 and 5 (approximately one quarter to one third) can realistically be used for a viable agricultural pursuit.

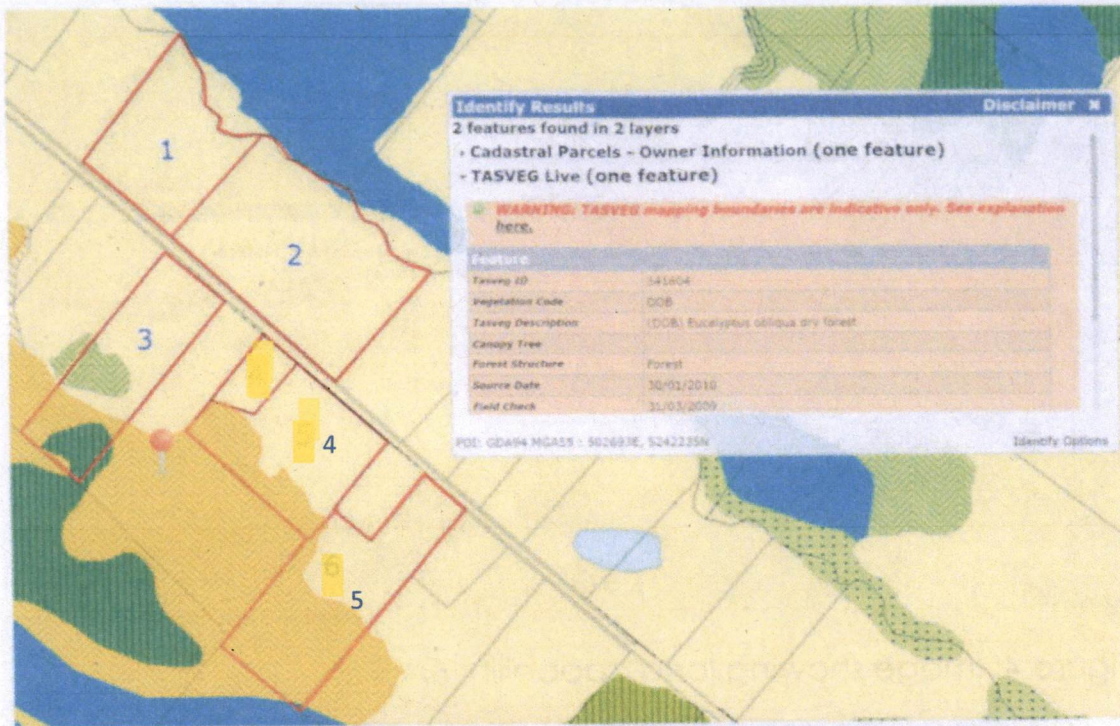


Figure 4: Map showing the estimated extent of Eucalyptus Obliqua forest on sloping terrain in land titles designated 3, 4 and 5.

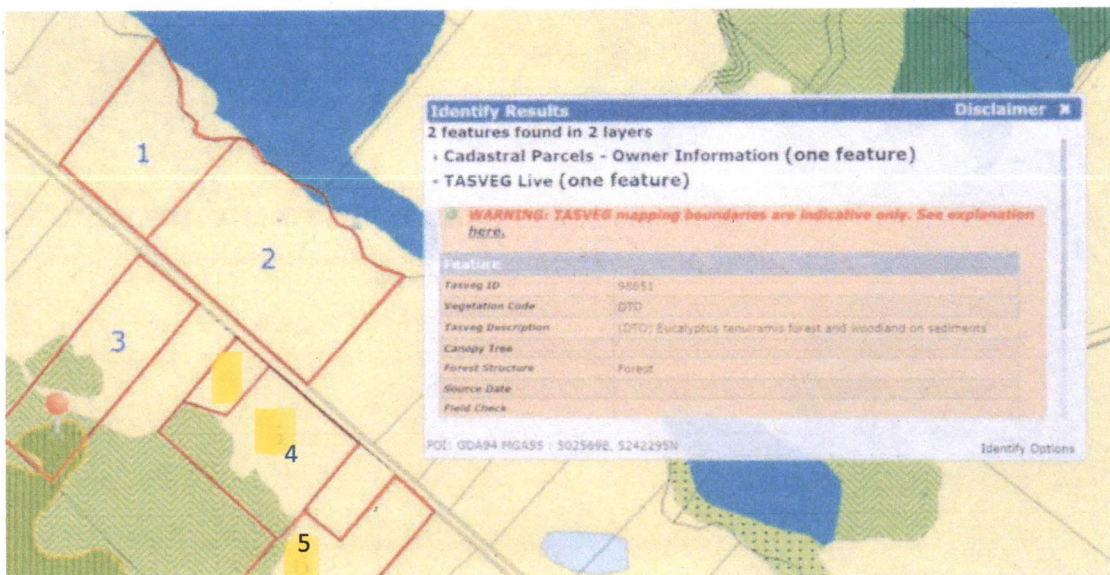


Figure 5: Map of the titles on the southern side of Bakers Creek Road showing a small stand of Silver Peppermints in the southeast corner of 3.

As the total area of each of the blocks in question measures approximately 4 to 5 hectares, the area available on which to carry out any agricultural pursuit would be restricted to an area of 1.5 to 2 hectares.

Soil tests conducted as recently as July 2018 reveal that the soil on the most productive lower one third of one of these properties (3) with an assessed capability of 5 was deficient in nitrogen, phosphorous, potassium, sulphur, copper, zinc, boron and



manganese (see Attachment 3). This result was obtained after 27 years of grazing, harrowing, sub-soil ploughing and application of fertilizer.

It is surprising to us as managers of much of this land for the past 40 odd years that the 'source' for the land capability assessment is listed as 'field checked'.

Two land titles on the northern side of Bakers Creek Road (adjacent to Bakers Creek) have been assigned a Capability of 5 (i.e. "Land unsuited to cropping and with slight to moderate limitations to pastoral use") and the combined area of the property that has been classified as having a Capability of 5 is depicted in Figure 6. Despite this general classification, soil quality varies considerably from east to west across these parcels of land, becoming less productive on the higher western slope. Additional limitations to productivity are significant areas of waterlogging in winter and spring with consequent damage from stock followed by high evaporation rates with drying and compaction of soil in summer. Some bracken control is necessary each year.

Owing to the pressure of an ever-increasing wallaby population and a desire to protect the creek environs from domestic stock access a decision was taken to fence off the creek many years ago. Consequently, water for stock and any attempt at pasture irrigation has to come from on-farm dams. Removal of water from Bakers Creek requires an application for a Commission Water Right and even if granted, water availability can be problematic in dry summers. Severe droughts such as in 1982-3 have resulted in flow almost ceasing completely.

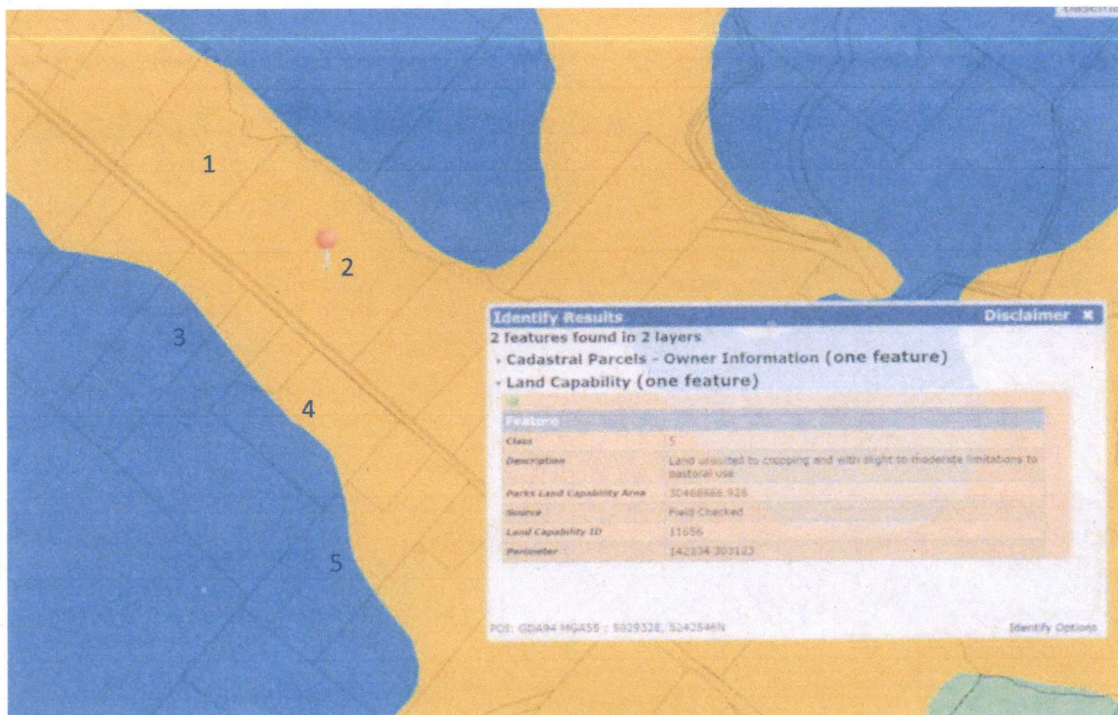


Figure 6: Map showing a land capability of 5.

#### **4. Southern Tasmania Regional Land Use Strategy 2010/35:**

19.5 page 85 "(Joint Land Use Planning Initiative, Vision East and Huon Valley Land Use & Development Strategy) The Regional Settlement Strategy builds upon work at a whole of region level and is aimed at:" in part "Planning for rural living opportunities to minimise detrimental impacts"

Page 94 "SRD 1.3 Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies: a. Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided: (i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and (ii) only limited subdivision potential is created by rezoning."

- **A Rural Living zoning of A, B or C would minimise detrimental impacts as discussed; support the consolidation of 45 existing hobby farm settlements extending from the Lucaston Rural Living Zone starting at Lucaston Road and create minimal if any subdivision potential.**

In a Rural Living Zone a single dwelling residential is only allowed within certain constraints so the agricultural land is still protected.

**The application of a Rural Living Zone would not preclude the use of the land for small scale vegetable gardens and grazing as this is how the land is mostly being used all along Bakers Creek Road and has been used for many decades.**

Intensive agriculture beyond the three pre-existing agricultural businesses would lead to detrimental impacts e.g. conflicts over water for irrigation and degradation of the unsealed section of our road due to multiple movements of heavy farm machinery and large numbers of workers' cars.

Our experience in Lucaston has revealed many long-term benefits of rural living over the last 40 years including the potential to attract lifestyle seeking commuters who work in the Greater Hobart area, and bring new streams of revenue into the municipality and contribute to the overall well-being of the community.

#### **Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones: 2018**



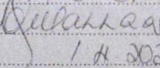



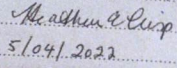
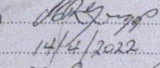
Page 9 "Where there is a cluster of titles, the majority with a dwelling and less than 40ha and under different ownership, it is likely this area is already compromised for 'medium to large-scale' agriculture unless there is evidence of irrigation water and high value agricultural activities."

- **In Bakers Creek Road there is a cluster of titles, the majority with a dwelling, and significantly smaller than 40ha, under different ownership and limited potential for irrigation and high value agricultural activities.**

**Appendix 2 Letters of Support (cont)**

<p align="center"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>Stephen Jacques</u>          Signed <u>[Signature]</u>          Dated <u>13-4-2022</u>          Address <u>138 Bakers Creek Road Lucaston 7109</u></p>	<p align="center"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>STEPHEN BOURNE JENNIFER BOURNE</u>          Signed <u>[Signature]</u>          Dated <u>14/4/22</u>          Address <u>357 BAKERS CREEK ROAD LUCASTON 7109</u></p>
<p align="center"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>David Jackson MICHELLE DEMPSEY</u>          Signed <u>[Signature]</u>          Dated <u>13-4-22</u>          Address <u>5 Bakers Cr Rd Lucaston</u></p>	<p align="center"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>SHEENA BELL</u>          Signed <u>[Signature]</u>          Dated <u>13-4-22</u>          Address <u>311 BAKERS CREEK RD LUCASTON TAS 7109</u></p>
<p align="center"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>MARK LACEY</u>          Signed <u>[Signature]</u>          Dated <u>1/4/2022</u>          Address <u>20 Bakers Creek Rd Lucaston</u></p>	<p align="center"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>LOUISE DABBY-KEITH</u>          Signed <u>[Signature]</u>          Dated <u>14/4/2022</u>          Address <u>324 BAKERS CREEK RD LUCASTON 7109</u></p>

## Appendix 1: Letters of Support

<p style="text-align: center;"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>DREW PIVA &amp; RONETTE PIVA</u>                  Signed <u></u>                  Dated <u>01.04.2022</u>                  Address <u>249 BAKERS CREEK RD, LUCASTON TAS 7109</u></p>	<p style="text-align: center;"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>Ronita Ireland-Barrett</u>                  Signed <u></u>                  Dated <u>2/4/22</u>                  Address <u>378 Bakers Creek Rd, Lucaston</u></p>
<p style="text-align: center;"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>M. J. WALPOCK</u>                  Signed <u></u>                  Dated <u>1/4/2022</u>                  Address <u>320 BAKERS CREEK RD, LUCASTON</u></p>	<p style="text-align: center;"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>SHARON RAJEL + DAN FAINER</u>                  Signed <u></u>                  Dated <u>1-4-22</u>                  Address <u>259 BAKERS CREEK RD, LUCASTON TAS 7109</u></p>
<p style="text-align: center;"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>ROBERT BROWN</u>                  Signed <u></u>                  Dated <u>01/04/2022</u>                  Address <u>310 BAKERS CREEK RD, LUCASTON</u></p>	<p style="text-align: center;"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>MATTHEW BROWN &amp; JULIE BROWN</u>                  Signed <u></u>                  Dated <u>3/04/22</u>                  Address <u>330 BAKERS CREEK ROAD, LUCASTON</u></p>
<p style="text-align: center;"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>HEATHER CRISP</u>                  Signed <u></u>                  Dated <u>5/04/2022</u>                  Address <u>359 BAKERS CREEK ROAD, LUCASTON</u></p>	<p style="text-align: center;"><b>Lucaston letter of support for Pook and Temby Submission</b></p> <p>We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".</p> <p>We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.</p> <p>Print Name <u>M R GRIGGS</u>                  Signed <u></u>                  Dated <u>14/4/2022</u>                  Address <u>28 BAKERS CREEK RD, LUCASTON TAS 7109</u></p>

## Attachments

Mr and Mrs Michael Pook  
Re: Your purchase from  
16 March 1995

-2-

4. The Certificate issued by the Council under Section 337 of the Local Government Act 1993 reveals:
- (a) an application has been made for a septic tank approval. It has been approved but the land is still vacant;
  - (b) the Huon Valley Council is bound to repair Bakers Creek Road, Lucaston. They claim to be entitled to make part of that highway at your expense;
  - (c) there is no existing connection to the Council's reticulated water supply;
  - (d) there is no sewer pipe on or under the land and there is no connection to the Council's reticulated sewage system. The land is not within a sewage district;
  - (e) there is no pipe on or under the land which is connected to the Council's storm water system;
  - (f) there are no pipes under or through the land for which Council has a maintenance responsibility;
  - \* (g) the land is subject to the Huon Planning Scheme 1979. The land is currently zoned "Part Rural and Semi Rural Residential" under that Scheme. That zoning places restrictions and limitations on the sort of activities that are able to be carried out there. A residence is an approved use; \*
  - (h) the Council has appointed a building line in respect of the property. The Rural setbacks are 15 metres from the front and 10 metres from the side and rear boundaries. The Semi Rural Residential setbacks are 15 metres from the front and 5 metres from the side and rear boundaries; ←
  - (i) the land is not in a declared land slip area under Section 36 of the Local Government Building and Miscellaneous Provisions Act 1993; and
  - (j) Council claim no other rights over or in respect of the land and have issued no other notices or made any other decisions in respect of the land of which they have provided notice pursuant to the provisions of Section 337 of the Local Government Act 1993.
5. The current Land Tax on the property is \$292.50.
6. The Hydro-Electric Commission claims no formal wayleave easement over the property. I refer you however to my earlier correspondence about whether any other rights or entitlements exist in the Hydro-Electric Commission.
7. I refer to my earlier letter to you in relation to Telecom. You should take special care if you anticipate carrying out any building or other work to ensure that no damage is done to any Telecom cable. If a cable is damaged, you may be liable for the cost of repairs.

I note that this matter is to proceed to completion on 23 March 1995. I enclose a Completion Statement that sets out the amount required to complete this transaction and the basis of those calculations.

I would be pleased to receive the balance figure as set out therein from you as soon as possible and not less than two days before the date of completion.

.../3

**Attachment !: Copy of solicitor's letter to MJ and PA Pook dated 16 March 1995 indicating that the Huon Council had issued a certificate confirming that the land that they subsequently purchased (i.e. 52828/2) was zoned 'Part Rural and Semi-Rural Residential' and that a 'residence was an approved use'.**

Attachments (cont'd)

Valuation of Land Act 2001

**Land Tasmania**

Property ID: 9267055  
Valuation District: HUON VALLEY  
Classification: Residential  
Locality: LUCASTON  
Address: Lot 2 BAKERS CREEK ROAD  
LUCASTON TAS 7109

Page No: 1  
PID: 9267055

MJ POOK, PA POOK  
249 BAKERS CREEK RD  
LUCASTON TAS 7109

Owners  
(persons having an interest in land)  
Postal Address

Improvements: GROUND IMPROVEMENTS, DAMS AND SHED  
Land Area: 27.3180 ha

Title Reference(s): 119725/2 12206/6 12206/7 147069/1 52828/2

Level of Values as at: 01/07/2014  
Date of Valuation: 18/08/2020  
Land Value: \$580,000  
Capital Value: \$620,000  
Assessed Annual Value: \$24,800  
Reason for Valuation: SPLIT FROM CANCELLED PID 3404713

(includes Land Value - see information page)


Owners: POOK, MICHAEL JOHN  
POOK, PATRICIA ANN

The notified valuations are determined under the Valuation of Land Act 2001 and for no other purpose.

10/09/2020  
Date of Issue

T.W.Grant  
Valuer-General

**FURTHER INFORMATION IS OUTLINED ON THE BACK OF THIS FORM**



Attachment 2: Copy of notice of valuation of Property ID 9267055; five vacant land titles owned by MJ and PA Pook dated 10/09/2020. The classification of the land is shown as 'Residential'.

## Attachments (cont'd)

# Roberts

## Recommendation and Status Report

### BUSINESS DETAILS

Trading Name: MJ&PA Pook  
Street Address: Lucaston

Contact Name:  
Contact Number

Area Sampled: REP OF All.

### PROPERTY DETAILS

Sample Type: \_\_\_\_\_ Depth: 00 to 7 5 cm

Lab Report Number: SCD2770

Sample: 3-Jul-2018

### CROP DETAILS

Crop: PASTURE

Growth Stage: SPRING

Target Yield (t/ha)

### ADVISOR DETAILS

Advisor: Peter Morrison  
Interpretation: 1 6-1u1-2018

Contact Number: 0408 125734

The following information and recommendations are suggested for your consideration and are the opinion of the interpreter.

#### Top Dressing 1 (Spring 2018)

500.0 kg/ha ..... Impact 10-17-8-2 + Kieserite 0 200 kit Manganese Sulphate 0 50 kg/t, Copper Sulphate 0 10..0 kg/t & Zinc Sulphate 0 20 loan

Nitrogen: **Low** - N fertilizer can be used to stimulate extra pasture growth to fill feed gaps. Application rates of 30 - 50 kg N/ha/application are generally used. A maximum total annual rate of 150 kg/ha N should not be exceeded.

Phosphorus: **Low** - Capital dressings; When targeting a particular Olsen P level allow time for P level to change, up to 3 years. On all areas it is often preferable to apply the required amount over 3-5 years with a maximum amount per year of 80-100kg/ha P.

Potassium: **Low** - If any paddock is are cut for hay and grazed, increase K rate by 30%.

Sulphur: **Below Optimum** - Use a sulphate sulphur fertilizer.

Copper: **Low** - Apply 5kg/ha copper sulphate with the fertiliser application. Copper may need to be applied every 5 to 8 years.

Zinc: **Low** - Apply 10kg/ha zinc sulphate with the fertiliser application.

Boron: **Low** - Boron is a highly mobile nutrient and in some soils can accumulate in the sub soil. Sub surface soil testing and local knowledge should be used with plant tissue analysis to confirm deficiency.

### Attachment 3: Copy of soil test results and recommended fertilizer treatments for land title number 3